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DISTRICT COURT OF GUAM

MAR - 5 2007 *NMC*

MARY L.M. MORAN
CLERK OF COURT

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF GUAM**

NANYA TECHNOLOGY CORP. and
NANYA TECHNOLOGY CORP. U.S.A.,

Plaintiffs,

vs.

FUJITSU LIMITED, FUJITSU
MICROELECTRONICS AMERICA, INC.,

Defendants.

CIVIL CASE NO. 06-CV-00025

DMY
~~PROPOSED~~ DISCOVERY PLAN

Pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure, and Local Rule 16.1 for the District Court of Guam, the parties hereby propose the following Discovery Plan.

See Page 2 **DMY*

1. ~~Defendants propose that the disclosures required by Fed. R. Civ. P. 26(a)(1) and L.R. 26.2 shall be made, if necessary, thirty (30) days after the Court's ruling on Fujitsu's Motion to Dismiss or Transfer and FMA's Motion to Dismiss or Transfer ("Motions"), set for hearing on March 22, 2007. Plaintiffs propose that the disclosures required by Fed. R. Civ. P. 26(a)(1) and L.R. 26.2 shall be made thirty (30) days after the entry of the Scheduling Order.~~

2. In the event the Motions are denied, the parties anticipate complex and lengthy discovery due to the numerous patents at issue and the complexity of the issues. Discovery will be by document request, request for admission, interrogatories, and depositions. Third party

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1 discovery has already been filed by Nanya and additional third party discovery is possible.

2 Extensive expert discovery is also anticipated. All or almost all depositions will need to be held
3 in foreign countries and California.

4 3. Due to the complexity of the case, the parties anticipate that they may need to seek
5 modification of the limitations on discovery provided under the Rules or additional limitations on
6 discovery, and will apply for appropriate relief as needed.


7 4. Due to the complexity of the case and need for extensive discovery in other
8 countries and in the Fifty States, discovery is anticipated to take in excess of one year. They
9 propose that all discovery will be completed before: February 1, 2008.

10 The parties are not aware at this time of any orders that should be entered by the Court under Rule
11 26(c) or under Rule 16(b) and (c). Plaintiffs served FMA with a first request for production of
12 documents on December 14, 2006. In addition, on January 31, 2007, Plaintiffs provided
13 Defendants with copies of sixteen sets of voluminous merits-based discovery requests, and the
14 parties are currently negotiating response dates. On February 9, 2007, Plaintiffs served sets of
15 discovery requests on Fujitsu and FMA. Nanya has served certain third party subpoenas. Nanya
16 has requested the depositions of Mr. Shigeru Kitano of Fujitsu and Mr. Michael Moore of FMA.

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20 //  * The Defendants' disclosures required by Fed.R.Civ.P.26(a)(1) and L.R.
21 // 26.2 shall be made sixty (60) days after the entry of the Scheduling
22 // Order.

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1 FMA has agreed to produce Mr. Moore in California on February 27, 2007. The parties are
2 trying to work out a date and location for Mr. Kitano's deposition.

3 SO ORDERED this 2nd day of March, 2007.

4 
5 Joaquin V.E. Manibusan, Jr.

U.S. Magistrate Judge, District Court of Guam

6 **APPROVED AS TO FORM AND CONTENT:**

7 **CALVO & CLARK, LLP**
8 Attorneys for Defendants

9 Date: 2/16/07

10 By: 
DANIEL M. BENJAMIN

11 **TEKER, TORRES & TEKER, P.C.**
12 Attorneys for Plaintiffs

13 Dated: 2/16/07

14 By: 
15 JOSEPH C. RAZZANO

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